



DATCP Reminds Farmworkers of Best Practices When Seeking a Job

Also Provides Recommendations for Farmers When Hiring

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MADISON - The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) and Department of Workforce Development (DWD) remind farmworkers of best practices when searching for a job. Recent reports to the DATCP's Farm Center unveiled dishonest hiring and employment practices, including farmworkers paying \$800 to a person acting as a recruiter to find a job.

DATCP and DWD offer these suggestions to protect yourself as a farmworker or employer. This is a very complex issue with different state and federal regulations for migrant farmworkers, who travel seasonally away from his or her home residence for work, or permanent farmworkers, who rely on a farm for their income year-round.

Do not pay anything to get a job. There are free resources available for farmworkers to find a job, such as JobCenterofWisconsin.com. The only people allowed to accept money from farmworkers to help connect them with jobs are those with a Private Employment Agents License. DWD monitors all known employment agents in the state. These employment agents must comply with specific regulations, obtain a license from the department to operate in the state, and be monitored regularly to ensure compliance with state laws.

Farmers should ask to see both a state and federal crew leader's certificate if someone offers to recruit migrant farmworkers for their operation. Crew leaders are not allowed to charge the migrant farmworkers for obtaining jobs and must have adequate insurance if they are involved in transporting workers. Crew leaders must meet specific regulations, obtain a certificate from DWD to operate in the state, and be monitored regularly. Federal regulations also require crew leaders and other farm labor contractors to register with the U.S. Department of Labor (DOL). If a crew laborer cannot show their certificate from DWD or U.S. DOL, this should raise a red flag to an employer. Farmers should always check references of crew leaders to verify their credibility as employers may be liable if crew leaders violate employment laws.

Understand your work agreement. Workers recruited from out of state for seasonal agricultural work in Wisconsin must receive a work agreement. Migrant farmworkers must receive a contract under state law. Permanent farmworkers should ask their employers for a written copy of the terms and conditions of their employment. Both employers and farmworkers should keep a copy of the work agreement. Farmworkers should know who they are working for, and farmers should know who is working for them.

Always have an understanding of how much money you will be paid for a job, know how many hours will be worked per day or week, and keep track of actual hours worked. You should also keep track of your hours if you are paid on a piece rate, as you should be paid at least the minimum wage for hours worked. Farmworkers, including migrant seasonal and permanent, need to be paid at least the minimum wage of \$7.25 per hour and overtime if outlined in the contract. Workers under the age of 20 years may be paid a lower wage for the first 90 days of employment.

Verify housing matches what you were promised. Housing provided by employers as well as rental properties must meet health and safety standards. Housing for permanent farmworkers is monitored by the U.S. Department of Labor and must meet safe and sanitary standards.

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DWD monitors the housing of migrant labor camps, used by migrant seasonal farmworkers, annually. Staff inspect the living conditions on a yearly basis to validate that it meets all state standards before awarding a certification for the migrant camp. Employees should file a complaint if your employer provides you with housing that is unsafe or unsanitary.

Housing provided by farmers for farmworkers must meet certain standards, such as, but not limited to: an adequate and convenient supply of water, proper disposal of sewage waste, sleeping accommodations, heating, electricity, adequate lighting, and buildings that are insect and rodent free. All buildings in which farmworkers sleep or eat shall be constructed and maintained in accordance with applicable state or local fire and safety laws.

For more information on employment standards or if you believe you have been a victim of dishonest hiring practices, call the Wisconsin Farm Center at 1-800-942-2474, DWD/Bureau of Job Service Call Center at 800-258-9966, or the U.S. Department of Labor at 866-487-9243.

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